

PATENT

C. REMARKS

Status of the Claims

Claims 1-29 were present in the Application prior to this Response. Claims 1, 2, 4, 5, 8-10, 12, 15-17, 19, 20, and 23-29 have been amended, and claims 6, 13, and 21 have been cancelled. Claims 1-5, 7-12, 14-20, and 22-29 remain pending in the Application. Claims 1, 9, 16, and 24-29 are independent claims.

Drawings

Applicants note with appreciation the Examiner's acceptance of Applicants' formal drawings, filed with the Application on June 14, 2001.

Claim Rejections Under 35 U.S.C. § 102 and 35 U.S.C. § 103(a)

Claims 1-2, 4, 7-10, 14-17, 22-23, 25-27, and 29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2002/0103897 by Rezvani et al. (hereinafter Rezvani). Claims 3, 5-6, 11-13, 18, 20-21, 24, and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rezvani and U.S. Publication No. 2001/0032175 to Holden et al. (hereinafter Holden). Applicants respectfully traverse the rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a).

Applicants teach and claim a method, system, and computer program product that allow a user to select from a variety of screen refresh modes, including at least a manual refresh mode, a manual override mode, and an automatic refresh mode. These user-selectable modes are shown, e.g., in Applicants' Figure 2, and are further described in detail in Figure 4 (manual refresh mode), Figure 5 (manual override mode), and Figure 6 (automatic refresh mode).

PATENT

Neither Rezvani nor Holden teaches or suggests "providing a plurality of user-selectable refresh modes, including a manual refresh mode, a manual override mode, and an automatic refresh mode," as taught and claimed by Applicants in amended, independent claims 1, 9, 16, and 24-29. Razvani purports to teach "a method and system for adaptively refreshing a data using system" (page 1, paragraph 4). A criteria monitor monitors at least one criteria related to a refresh interval, and a processor generates an updated refresh interval based at least on the monitored criteria (page 1, paragraph 4). As the Examiner notes in the Office Action on page 5, lines 13-14, "the refresh modes of Rezvani are *automatic*." In contrast, Applicants teach and claim "providing a *plurality* of refresh modes." One of the modes provided by Applicants is an automatic refresh mode, however, Applicants also teach and claim providing a manual refresh mode and a manual override mode. In other words, Rezvani discloses a single type of refresh mode, i.e. an automatic refresh mode. Although the *refresh interval* may be changed in Rezvani, the only *refresh mode* taught or suggested by Rezvani is an automatic refresh mode. In contrast, Applicants teach and claim a *plurality of user-selectable refresh modes*, including at least an automatic refresh mode, a manual refresh mode, and a manual override mode.

Holden purports to teach a method and system for providing an online auction (see Abstract). Information on a bidding screen is updated each time the screen is newly displayed (page 5, paragraph 66). Holden also allows a user to "select an alternate refresh rate," including "a manual refresh rate, or every 30 seconds, every one minute, or every 2 minutes" (page 5, paragraph 66). In other words, Holden discloses a single refresh mode, where the user can simply set the time interval

PATENT

between automatic screen refreshes. Even assuming, for the sake of argument (and noting that Applicants do not agree with this assumption), that Holden's use of a manual option is analogous to Applicants' manual refresh mode, Holden still does not teach or suggest a plurality of user-selectable refresh modes including at least an automatic refresh mode, a manual refresh mode, and a manual override refresh mode, as taught and claimed by Applicants' in each of Applicants' independent claims.

Using amended, independent claim 1 as an exemplary claim, Applicants further note that independent claims 1, 9, 16, 25, 26, 27, and 29 include "retrieving one or more first customizable refresh settings, wherein the first customizable refresh settings correspond to a first refresh mode selected from the plurality of user-selectable refresh modes." Neither Rezvani nor Holden teaches or suggests retrieving customizable refresh settings that correspond to a refresh mode selected from a plurality of refresh modes. As discussed above, Rezvani merely discloses "adaptively determining and setting an appropriate refresh interval for synchronizing a data source and a data using entity" (page 6, paragraph 54). Rezvani discloses a single refresh mode, i.e. an automatic refresh mode, and then determines the appropriate refresh interval to use. Rezvani does not teach retrieving customizable refresh settings that correspond to a refresh mode "selected from the plurality of refresh modes," as taught and claimed by Applicants in independent claims 1, 9, 16, 25, 26, 27, and 29.

Holden also does not teach or suggest retrieving customizable refresh settings that correspond to a refresh mode selected from a plurality of refresh modes. Holden merely allows a user to select a refresh rate of manual, every 30 seconds, every one minute, or every two minutes. Setting a

PATENT

refresh rate, as disclosed by Holden, is simply not analogous to retrieving customizable refresh settings, as taught and claimed by Applicants. There is nothing **customizable** about the refresh rates disclosed by Holden. The user simply selects from a number of **predetermined refresh intervals** that appear on the bidding screen, or the user may select a manual refresh interval or possibly a user-determined refresh interval (page 5, paragraph 66). Holden does not teach or suggest **a plurality of user-selectable refresh modes**, along with **customizable refresh settings that correspond to one of the refresh modes** selected from the plurality of user-selectable refresh modes.

Regarding amended, independent claims 24 and 28, Applicants further claim "invoking one of the user-selectable refresh modes, wherein the invoked refresh mode includes the customizable refresh settings." As discussed above, neither Rezvani nor Holden teaches or suggests an invoked refresh mode, selected from the plurality of user-selectable refresh modes, "wherein the invoked refresh mode **includes the customizable refresh settings**," as taught and claimed by Applicants.

Based on the above, Applicants respectfully submit that none of the prior art, either alone or in combination, teaches or suggests Applicants' independent claims. Therefore, Applicants respectfully request that independent claims 1, 9, 16, and 24-29, and the claims which depend from them, be allowed.

Notwithstanding the allowability of claims 1-5, 7-12, 14-20, and 22-29 based on the above discussion, Applicants would also like to further discuss dependent claims 2, 10, and 17. Claims 2, 10, and 17 add the element of "changing from the first refresh mode to a second refresh mode in response to the comparing, wherein the second refresh mode is selected from the

PATENT

plurality of user-selectable refresh modes, and wherein the changing includes retrieving one or more second customizable refresh settings corresponding to the second refresh mode." As discussed above (and as stated by the Examiner in the Office Action on page 5, lines 13-14), the only refresh mode disclosed by Rezvani is an automatic refresh mode. Therefore, Rezvani can not possibly teach or suggest changing from a first refresh mode to a second refresh mode, as taught and claimed by Applicants. Although Holden arguably discloses more than one refresh mode, there is nothing in Holden that teaches or suggests "retrieving one or more **second refresh settings corresponding to the second refresh mode,**" as taught and claimed by Applicants. Applicants teach and claim a method, system, and computer program product that includes a plurality of user-selectable refresh modes. As clearly claimed in dependent claims 2, 10, and 17, more than one of the user-selectable refresh modes may include customizable refresh settings that correspond to the refresh mode. None of the cited art teaches or suggests this aspect of Applicants' invention, and therefore Applicants respectfully submit that dependent claims 2, 10, and 17, and the claims which depend from them, are allowable.

Notwithstanding the allowability of claims 1-5, 7-12, 14-20, and 22-29 based on the above discussion, Applicants would also like to further discuss dependent claims 3, 11, and 18. Claims 3, 11, and 18 add the limitations of "displaying a first refresh icon on the display screen corresponding to the first refresh mode; and displaying a second refresh icon on the display screen corresponding to the second refresh mode in response to the changing." The Examiner points to Holden's Figure 4a, reference numeral 415 as disclosing this aspect of Applicants' claims. However, the cited Figure in Holden merely

PATENT

shows text on a screen, including some underlined text. Those skilled in the art understand that an "icon" is a small picture that is intended to represent something, such as a file, directory, etc., in a graphical user interface. Those skilled in the art would not consider mere text to be an "icon." Therefore, Applicants respectfully submit that neither Rezvani nor Holden teaches or suggests "displaying a **first refresh icon** on the display screen corresponding to the first refresh mode; and displaying a **second refresh icon** on the display screen corresponding to the second refresh mode in response to the changing," as taught and claimed by Applicants. For the reasons set forth above, Applicants respectfully submit that dependent claims 3, 11, and 18 are allowable.

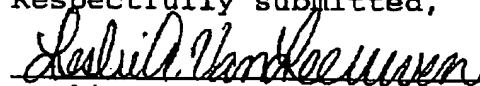
Conclusion

As a result of the foregoing, it is asserted by Applicants that the remaining claims in the Application are in condition for allowance, and Applicants respectfully request an early allowance of such claims.

Applicants respectfully request that the Examiner contact the Applicants' attorney listed below if the Examiner believes that such a discussion would be helpful in resolving any remaining questions or issues related to this Application.

Respectfully submitted,

By



Leslie A. Van Leeuwen, Reg. No. 42,196
Joseph T. Van Leeuwen, Reg. No. 44,383
Van Leeuwen & Van Leeuwen
Attorneys for Applicant
Telephone: (512) 301-6738
Facsimile: (512) 301-6742